

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK
ROCHESTER DIVISION**

CLINTON STRANGE,

Plaintiff

v.

18 CV 6570 FPG



ORTIZ CAPITAL LLC,

a New York Domestic Limited Liability Company

&

OSCAR T. ORTIZ III,

Owner / Operator of Ortiz Capital, LLC

Defendants

Civil Action:

Complaint for Violations of the:

Telephone Consumer Protection Act 47 U.S.C. § 227

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Demand for Jury Trial

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Preliminary Statement:

This is an action brought by an adult individual who is a natural person against Defendant Ortiz Capital LLC and its Owner / Operator Oscar T. Ortiz III for violations of the Telephone Consumer Protection Act of 1991 (“TCPA”), under the following U.S. Federal Statutes:

Telephone Consumer Protection Act 47 U.S.C. § 227(c)(5);

&

Telephone Consumer Protection Act 47 U.S.C. § 227(b)(1)(a)(iii)

)

Jurisdiction of this Court arises under:

Telephone Consumer Protection Act 47 U.S.C. § 227

Because the action brought involves Federal Question Jurisdiction.

)

Venue Lies Properly in This Court:

Pursuant to 47 U.S.C. § 227(g)(4) & 28 U.S.C. § 1391.

Parties:

Plaintiff Clinton Strange is an adult individual residing at the address of:

Clinton Strange

7021 Winburn Drive

Greenwood, LA 71033

Defendant Ortiz Capital LLC is a New York Domestic Limited Liability Company who according to the New York Department of State Division of Corporations is listed as:

ORTIZ CAPITAL LLC

151 Kim Lane

Rochester, NY 14626

&

Whose Registered Agent is Listed as:

NONE

Defendant Oscar T. Ortiz III, on information and belief, is the Owner/Operator of Ortiz Capital LLC and resides at the same address as listed by the NY Dept. of State for the listed entity Ortiz Capital LLC.

151 Kim Lane

Rochester, NY 14626

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Factual Allegations:

1. Plaintiff's cellphone number 318-423-5057 is registered on the Federal Do-Not-Call listing, and has been so registered since at least 01/03/2018 *See Exhibit A.*
2. Plaintiff never provided his cellphone number to Defendants or consented to be contacted by any means on his cellphone number 318-423-5057 by the Defendants listed herein.
3. Plaintiff does not like to receive unwanted commercial phone calls, texts, or SMS/MMS messages on his cellphone because they "intrude on his seclusion and violate his rights to privacy guaranteed under the U.S. Constitution", and further deplete Plaintiff's mobile device's memory storage capacity, deplete Plaintiff's battery level on his cellphone, and require him to use a measurable amount of mental and physical energy to review the contents of the unwanted SMS text spams. Plaintiff alleges that [he] has Article III standing under the Constitution of the United States of America as a result of Defendants' alleged conduct. Also, that conduct meets at least the definition of the Tort of Conversion of Plaintiff's Chattel [i.e. his cellular telephone].
4. Plaintiff Clinton Strange is the wireless cellphone subscriber to the number 318-423-5057 and is financially responsible for the Verizon Wireless Account herein.
5. Plaintiff alleges that the Defendants or alternatively a 3rd Party Marketing Company hired by the Defendants sent more than one text message to the Plaintiff on his cellphone number 318-423-5057 within a 12-month period.
6. Plaintiff alleges that Defendants or alternatively a 3rd Party Marketing Company acting as an 'Agent' under the common law of agency for Defendants utilized an Automatic Telephone Dialing System ("ATDS") to send unwanted / unsolicited SMS / MMS text spam messages to Plaintiff's cellphone number 318-423-5057.

7. On 12/05/2017 at 10:43am CDT Defendants allegedly sent Plaintiff a Text Spam Message from Short Code number 61990 (*See Exhibit B*) that read:

Open Spots now available Clinton, You can start today. Full or Part Time options. Go here canstartnow.com Text END to stop

8. The text message from 12/05/2017 was sent to Plaintiff's cellphone number 318-423-5057 *See Exhibit C.*
9. The text message from 12/05/2017 contained Message Details than can be examined by viewing *Exhibit D.*
10. The text message Plaintiff alleges was sent by the Defendants on 12/05/2017 contained Hyperlink/s that directed Plaintiff to Defendants' website *See Exhibit E.*
11. On 05/19/2018 at 4:12 pm CDT Defendants allegedly sent Plaintiff a Text Spam Message from Long Code number 732-242-5670 (*See Exhibit F*) that read:

Good, just got my 1st check and it's funds I earned online, start now:
m0neybizet.us/ppnk?c=1p0kf7
Reply cancel to stop
12. The text message from 05/19/2018 was sent to Plaintiff's cellphone number 318-423-5057 *See Exhibit G.*
13. The text message from 05/19/2018 contained Message Details that can be examined by viewing *Exhibit H.*
14. The text message Plaintiff alleges was sent by the Defendants on 05/19/2018 contained a Hyperlink that directed Plaintiff to Defendants' website *See Exhibit I.*

15. *Exhibit J* is a screenshot of the bottom of the webpage for myezmoneyteam.com which contains a Hyperlink to www.IncomeEnginelite.com
16. On 05/20/2018 at 3:03pm CDT Plaintiff alleges that the Defendants sent a text message to Plaintiff's cellphone from Long Code number 410-696-0324(*See Exhibit K*) that read:

14 days is all it takes to begin with a new financially secure you.
Begin here: makemoneyindex.us/nhu1?c=3tgejk
17. The text message sent by Defendants on 05/20/2018 as Plaintiff alleges was sent to his cellphone number 318-423-5057 *See Exhibit L*.
18. The Text message Plaintiff alleges was sent by Defendants on 5/20/2018 contained a Hyperlink to mswsys.com *See Exhibit M*.
19. The text message from 05/20/2018 contained Message Details that be examined by viewing *Exhibit N*.
20. The following websites are or have been owned, registered, licensed and or Operated under the control of the Defendants herein *See Exhibit O*:

mswsys.com
incomeenginelite.com
myezmoneyteam.com
systemmsw.com
21. On or about January 17, 2013 at 12:29pm EDT Defendant Oscar T. Ortiz III filed a Certificate of Individual Doing Business Under Assumed Name Certificate with the Office of Monroe County Clerk's Office *See Exhibit P*. That document lists ORTIZ CAPITAL as the assumed name d/b/a:

OSCAR ORTIZ III
D/B/A ORTIZ CAPITAL
33 GENTRY CIRCLE
ROCHESTER, NY 14626

22. On April 11, 2017 according to the New York Department of State Division of Corporations listed a Department of State Filing (*See Exhibit Q*) for:
ORTIZ CAPITAL LLC

151 KIM LANE
ROCHESTER, NY 14626

23. Defendant Oscar T. Ortiz III according to the Monroe County Tax Office (*See Exhibit R*) owns the property at:

151 Kim Ln
Rochester, NY 14626

24. Defendant Oscar T. Ortiz III is the sole owner and operator of all the listed websites and entities listed herein and as the officer and director of each of these entities is individually liable to the Plaintiff herein for violations of the TCPA as alleged and referenced heretofore.

25. Defendants utilize an Automated Telephone Dialing System Technology Platform that conceals where the ‘calls’ are originating from:
With Regard to the 05/19/2018 Text the area code is 732 (New Jersey).
With Regard to the 05/20/2018 Text the area code is 410 (Maryland).

26. Plaintiff dispatched a communication to Defendants by U.S. Mail on 06/23/2018 advising them to cease and desist from sending unwanted SMS text spam to the Plaintiff on his cellphone number 318-423-5057 *See Exhibit S.*

27. Plaintiff also requested in the written communication to the Defendants on 06/23/2018 that they send to Plaintiff a copy of their Company’s Do-Not-Call policy, but no response to his written communications have been received at all or by any means, However the text messages did stop coming.

28. Plaintiff alleges that by Defendants’ failure to Provide him with a copy of their Do-Not-Call policy indicates that they have no internal policy regarding privacy rights of consumers like the Plaintiff herein.

29. The Telephone Consumer Protection Act 47 U.S.C. § 227(b)(1)(a)(iii) states in part that:

(b) RESTRICTIONS ON USE OF AUTOMATED TELEPHONE EQUIPMENT

(1) PROHIBITIONS It shall be unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States

(A)to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice

iii)

to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call, unless such call is made solely to collect a debt owed to or guaranteed by the United States

30. The Telephone Consumer Protection Act 47 U.S.C. § 227(c)(5) states in part that:

(c) PROTECTION OF SUBSCRIBER PRIVACY RIGHTS

(5) PRIVATE RIGHT OF ACTION A person who has received more than one telephone call within any 12-month period by or on behalf of the same entity in violation of the regulations prescribed under this subsection may, if otherwise permitted by the laws or rules of court of a State bring in an appropriate court of that State—

(A)

an action based on a violation of the regulations prescribed under this subsection to enjoin such violation,

(B)

an action to recover for actual monetary loss from such a violation, or to receive up to \$500 in damages for each such violation, whichever is greater, or

(C)

both such actions.

31. Courts have upheld that Defendants are liable for the actions of 3rd parties when [they] hire 3rd party companies to market their products and services.

See Krakauer v. Dish Network LLC, No. 1:14-CV-00333, M.D.N.C.;

&

United States of America et al v. Dish Network LLC, No. 3:09-CV-03073, C.D. Ill.

32. The term ““agency’ means more than mere passive permission; it involves request, instruction, or command.” *See Taco Bell I*, 879 F. Supp. 2d at 1084.

33.

34. The Telephone Consumer Protection Act 47 U.S.C. § 227(e)(1) states in part that:

(1) IN GENERAL

It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted pursuant to paragraph (3)(B).

35. The Plaintiff believes that the conduct of the Defendant’s and or their 3rd Party marketing partners arises to a level worthy of Trebled Damages under the TCPA.

36. The TCPA provides at 47 U.S.C. § 227(b)(3)(C) in part that trebled damages can be awarded by the court for willful and / or knowing violations by the Defendant:

C)

both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection, or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

37. At all times pertinent hereto Defendants were acting by and through their agents, servants and / or employees who were acting within the course and scope of their agency or employment, and under the direct supervision and control of the Defendants herein.

38. At all times pertinent hereto, the conduct of the Defendants, as well as that of their agents, servants and/ or employees was intentional, reckless, and in

grossly negligent disregard for Federal Laws and the rights of the Plaintiff herein.

Count I:

41. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

42. At all times pertinent hereto the Defendants were liable to the Plaintiff for violations of:

Telephone Consumer Protection Act 47 U.S.C. § 227(c)(5)

Which makes Defendants liable to Plaintiff for at least 2 trebled violations as evidenced in the complaint and Plaintiff seeks \$3,000 in damages for said violations.

Count II:

43. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

44. At all times pertinent hereto the Defendants were liable to the Plaintiff for violations of:

Telephone Consumer Protection Act 47 U.S.C. § 227(b)(1)(a)(iii)

Which makes Defendants liable to Plaintiff for at least 3 trebled violations as evidenced in the complaint and Plaintiff seeks \$4,500 in damages for said violations.

Jury Trial Demand;

Plaintiff demands trial by jury on all issues so triable.

Prayer for Relief;

WHEREFORE, Plaintiff seeks judgement in Plaintiff's favor and damages against the Defendant, based on the following requested relief:

Statutory Damages;

Treble Damages;

Stacked Damages;

Enjoinder from further violations of these parts;

Costs of litigating the action together along with all reasonable attorney's fees (if any) and court costs;

And such other and further relief as may be necessary, just and proper.

Respectfully Submitted,

X Clinton Strange

8-6-2018

Clinton Strange

Pro Se

Dated

7021 Winburn Drive
Greenwood, LA 71033

318-423-5057

parsmllc@gmail.com

EXHIBIT A

3/2018

National Do Not Call Registry



FEDERAL TRADE COMMISSION

Protecting People & Competition



National Do Not Call Registry

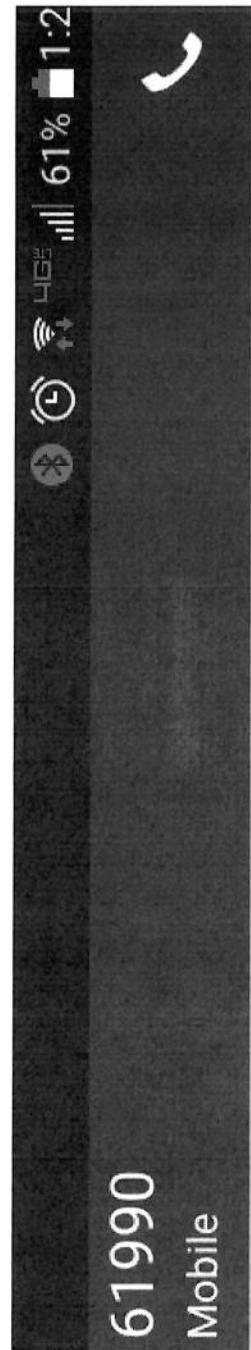
En Espanol

You have registered the following telephone number in the National Do Not Call Registry:

(318) 423-5057

You may print this page if you wish to retain a copy for your records.

EXHIBIT B



Open Spots now available Clinton , You can start today. Full
r Part Time options. Go here canstartnow.com Text END to
top



Type a message...



12/5/17 10:43 AM

Open Spots now available
Clinton , You can start today.
Full or Part Time options. Go
here canstartnow.com Text
END to stop

12/29/17 12:52 PM

Clinton, Would you like auto
insurance as low as \$29 to \$34
a month? If Yes, Visit:
yescheapinsurance.com Text
END to stop Messages

EXHIBIT C

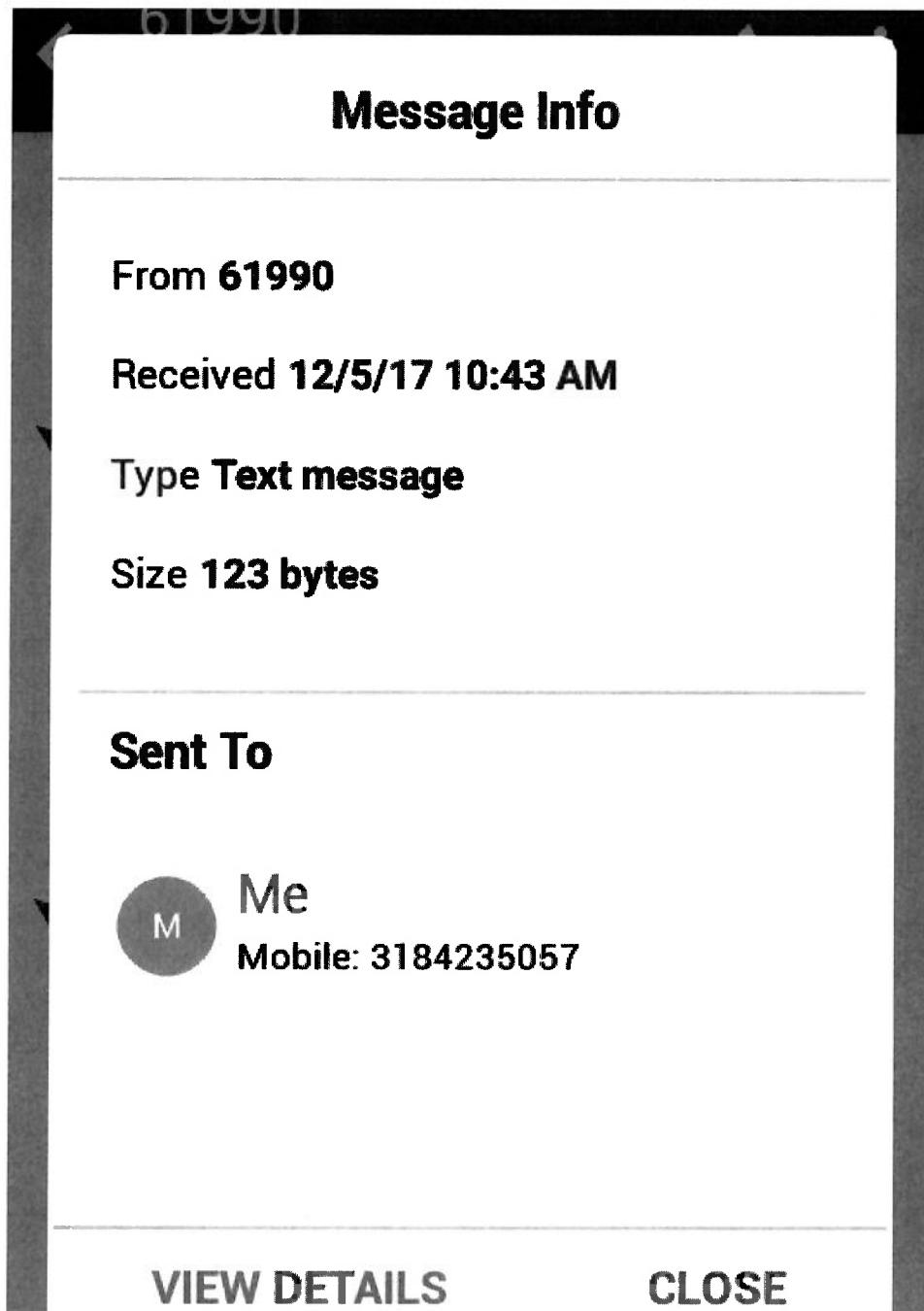


EXHIBIT D

Message Info

From **61990**

Received **12/5/17 10:43 AM**

Type **Text message**

Size **123 bytes**

Uid **748464942**

Message Source **Phone**

Thread Id **89**

Native Thread Id **92**

Msg DB Id **793**

Native Id **590**

Date **Tue Dec 05 10:43:57 CST 2017**

HIDE DETAILS

CLOSE

EXHIBIT E



/systemmsw.com

3

:

Want to make ~~\$500~~
a Day?

Click The Play Button To Start The Video

**Enter your email below
*and it's yours.***



Check Availability NOW!

Enter Your Details Below and Click The



Nicole from Illinois

Recently Started to Make Money from Home!

EXHIBIT F

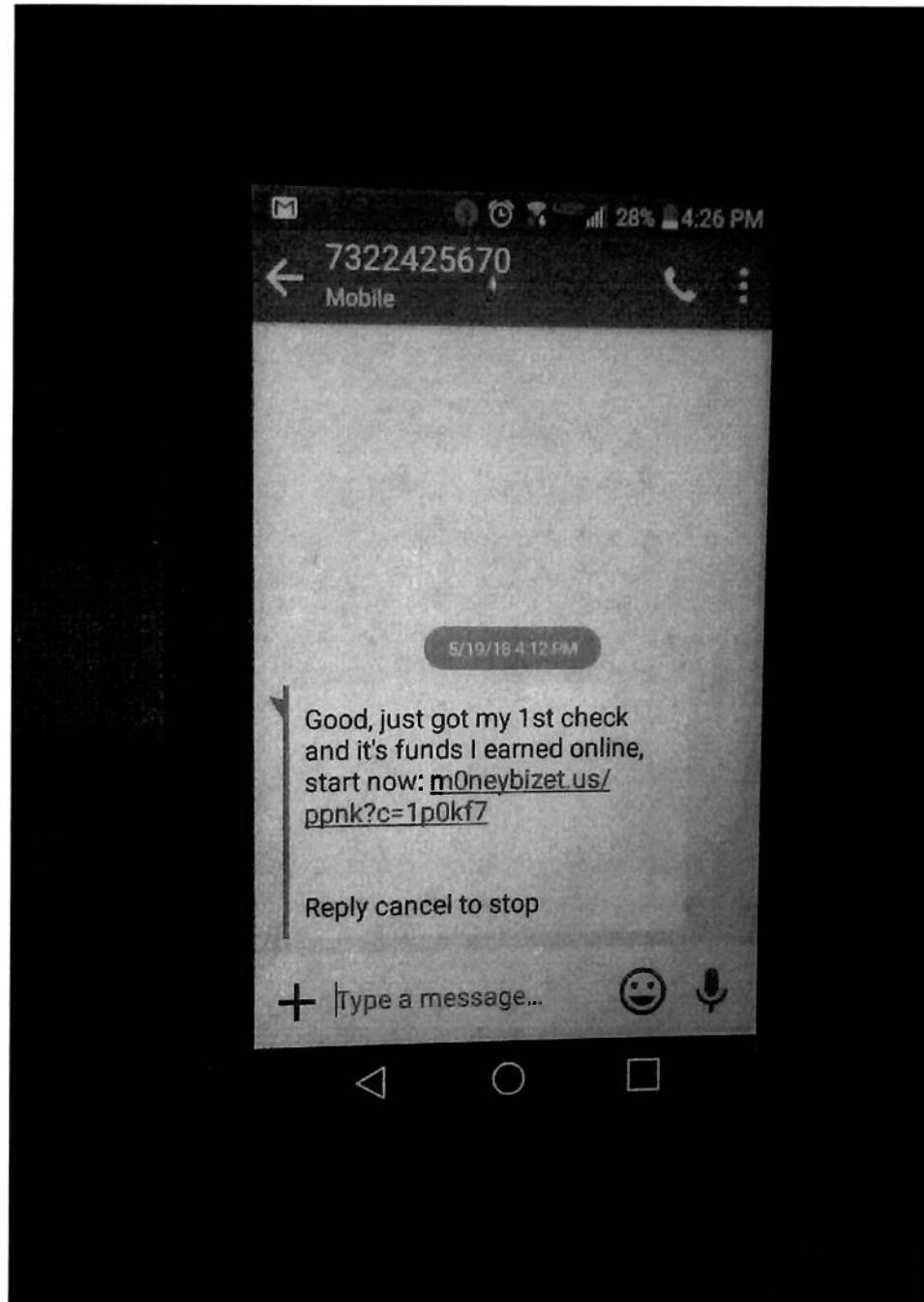


EXHIBIT G

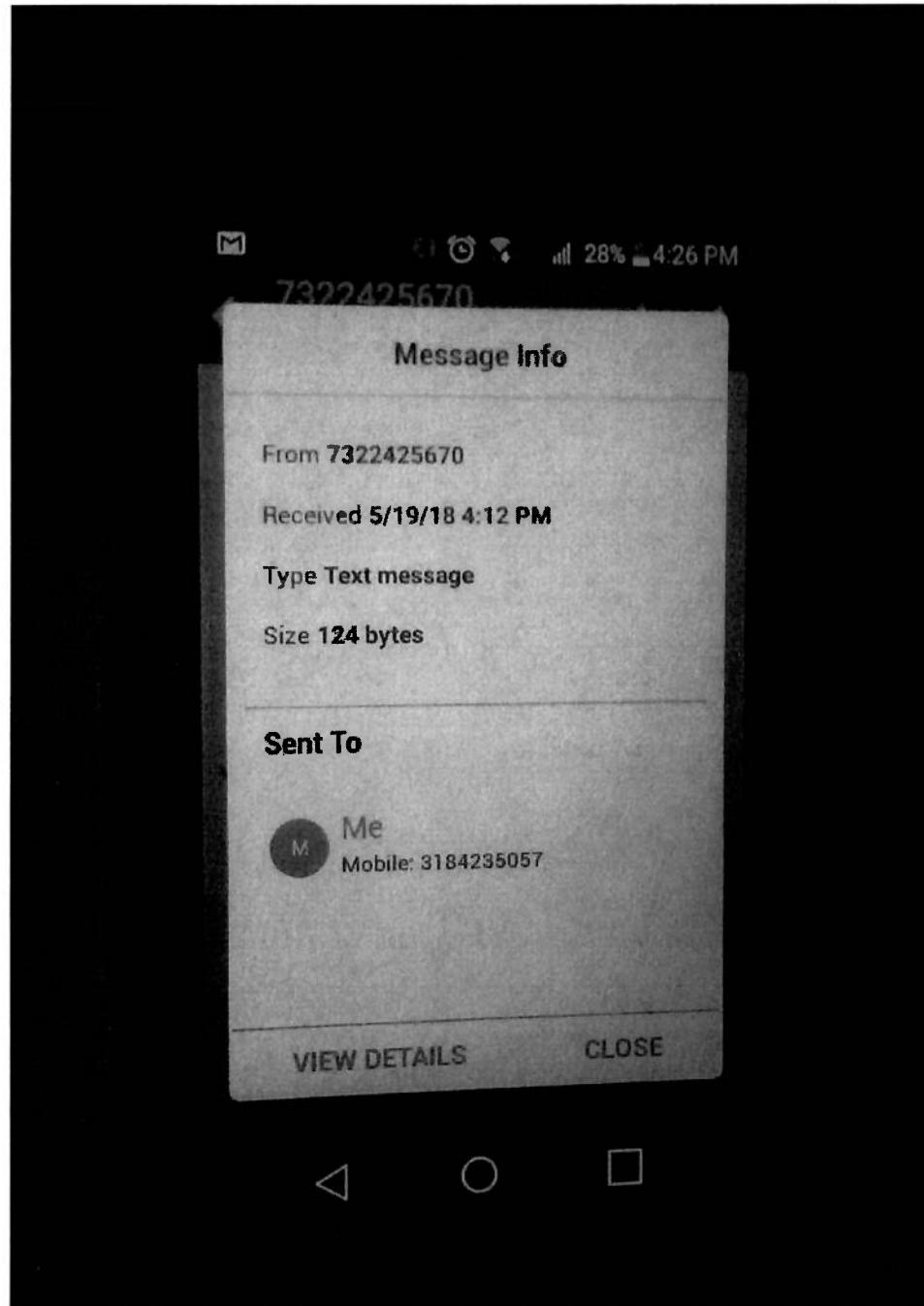


EXHIBIT H

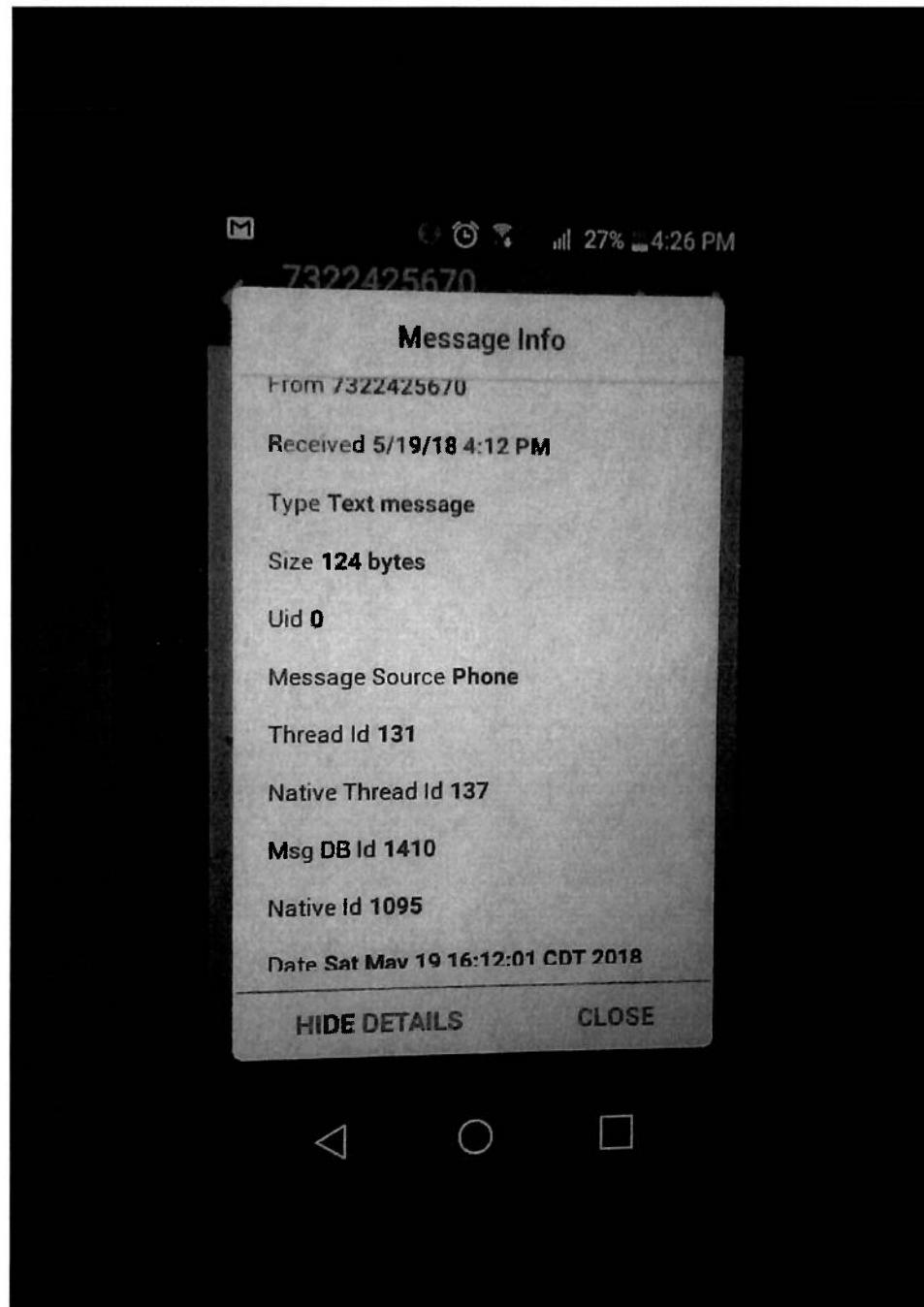
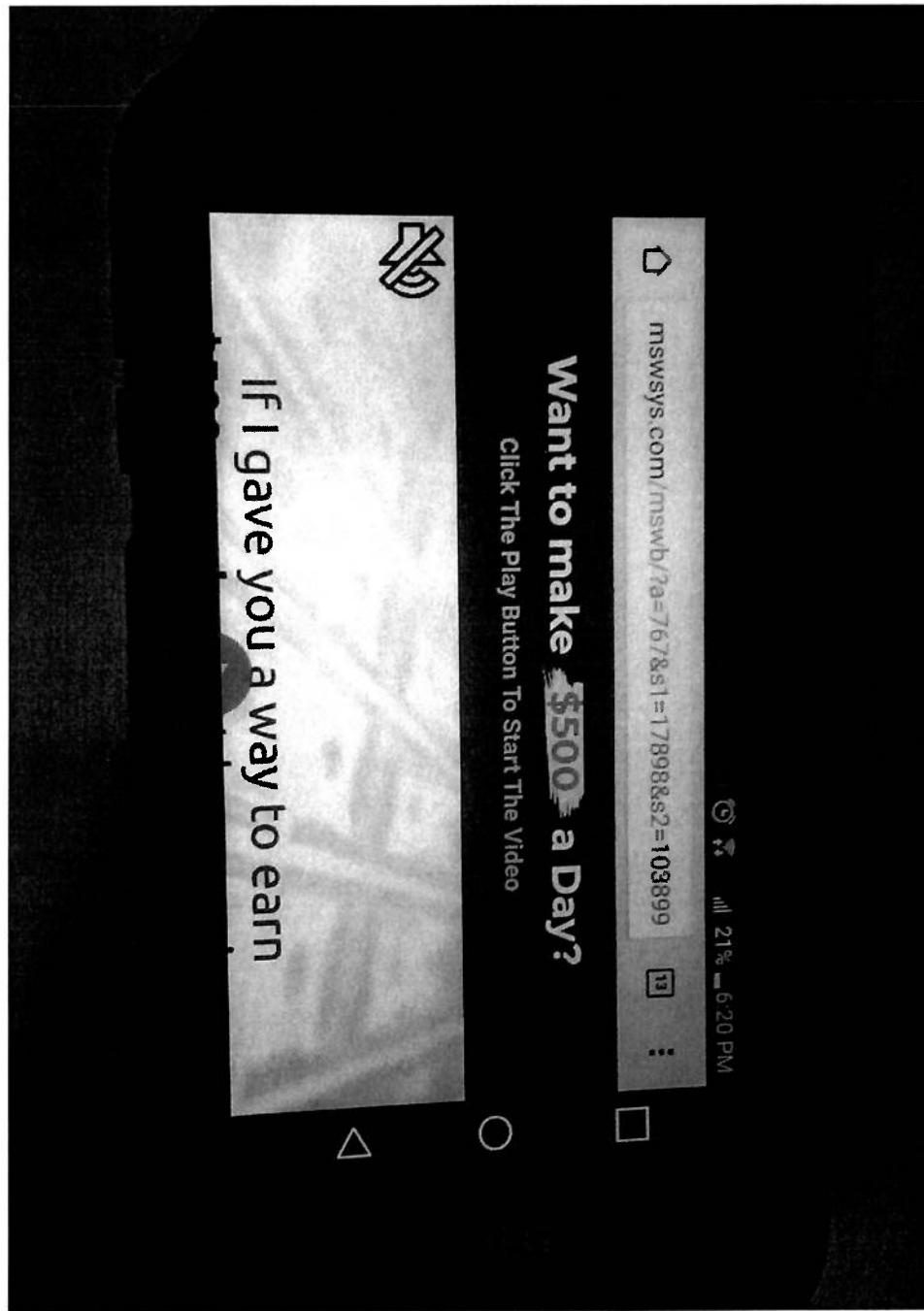
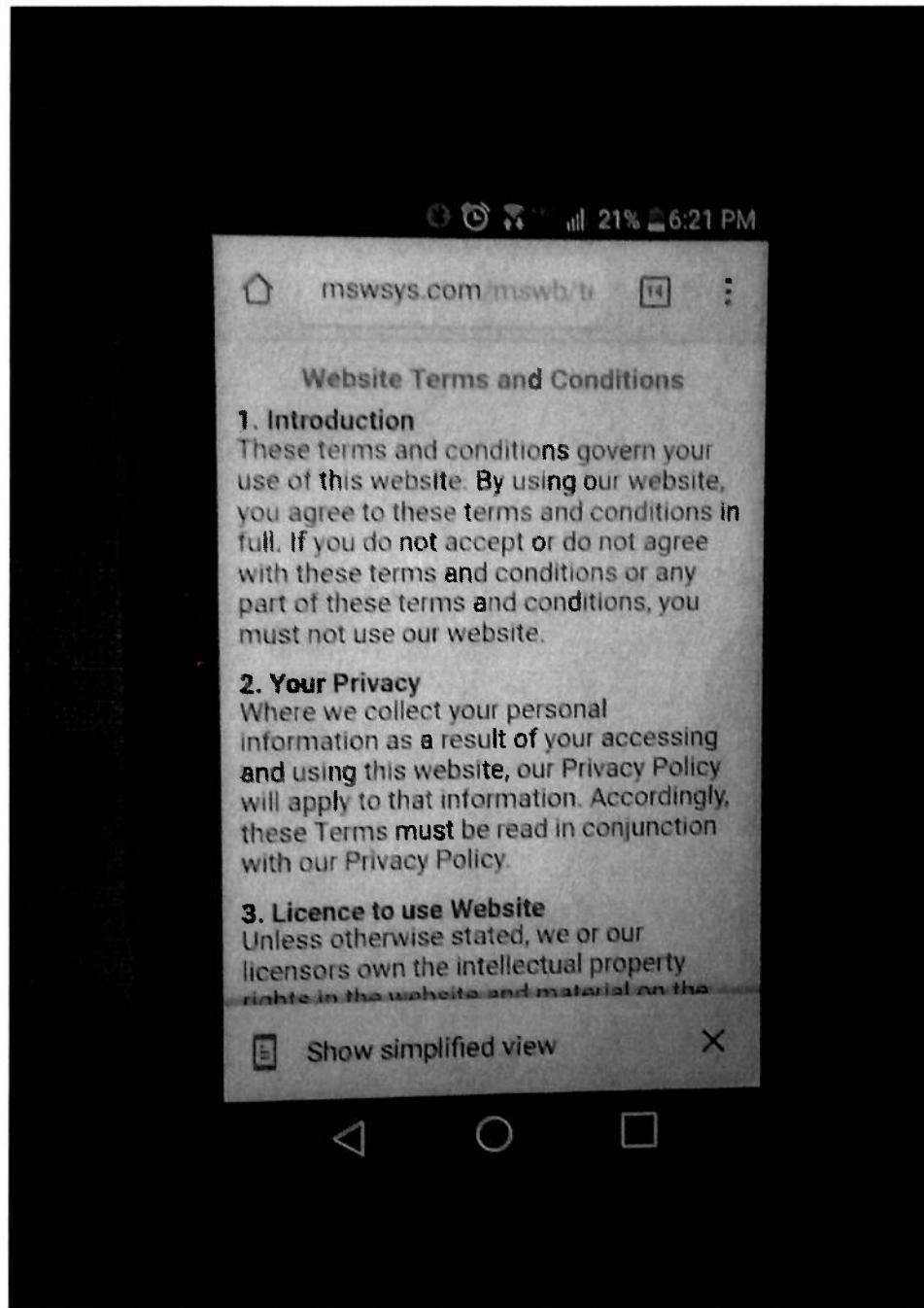


EXHIBIT I





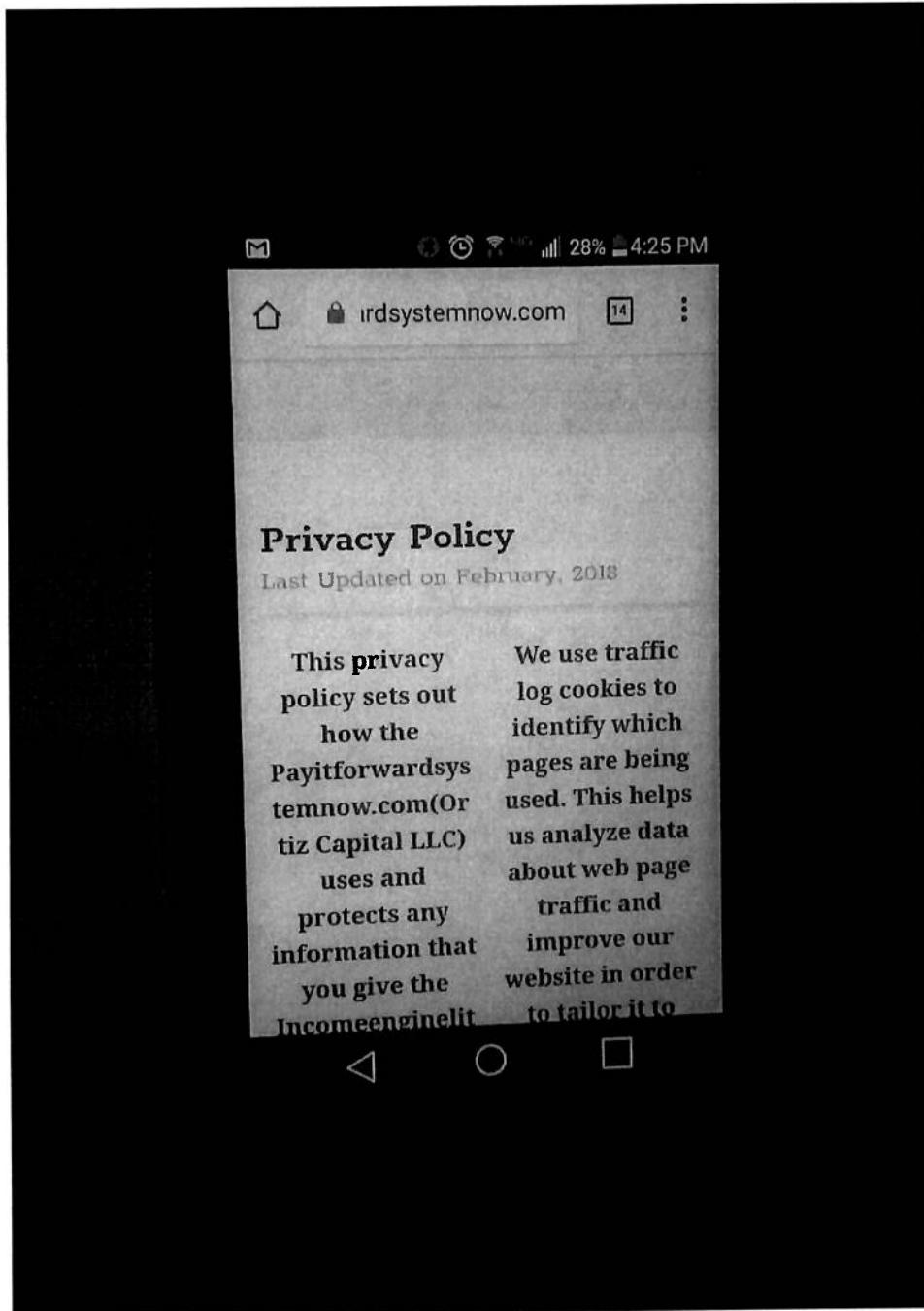


EXHIBIT J

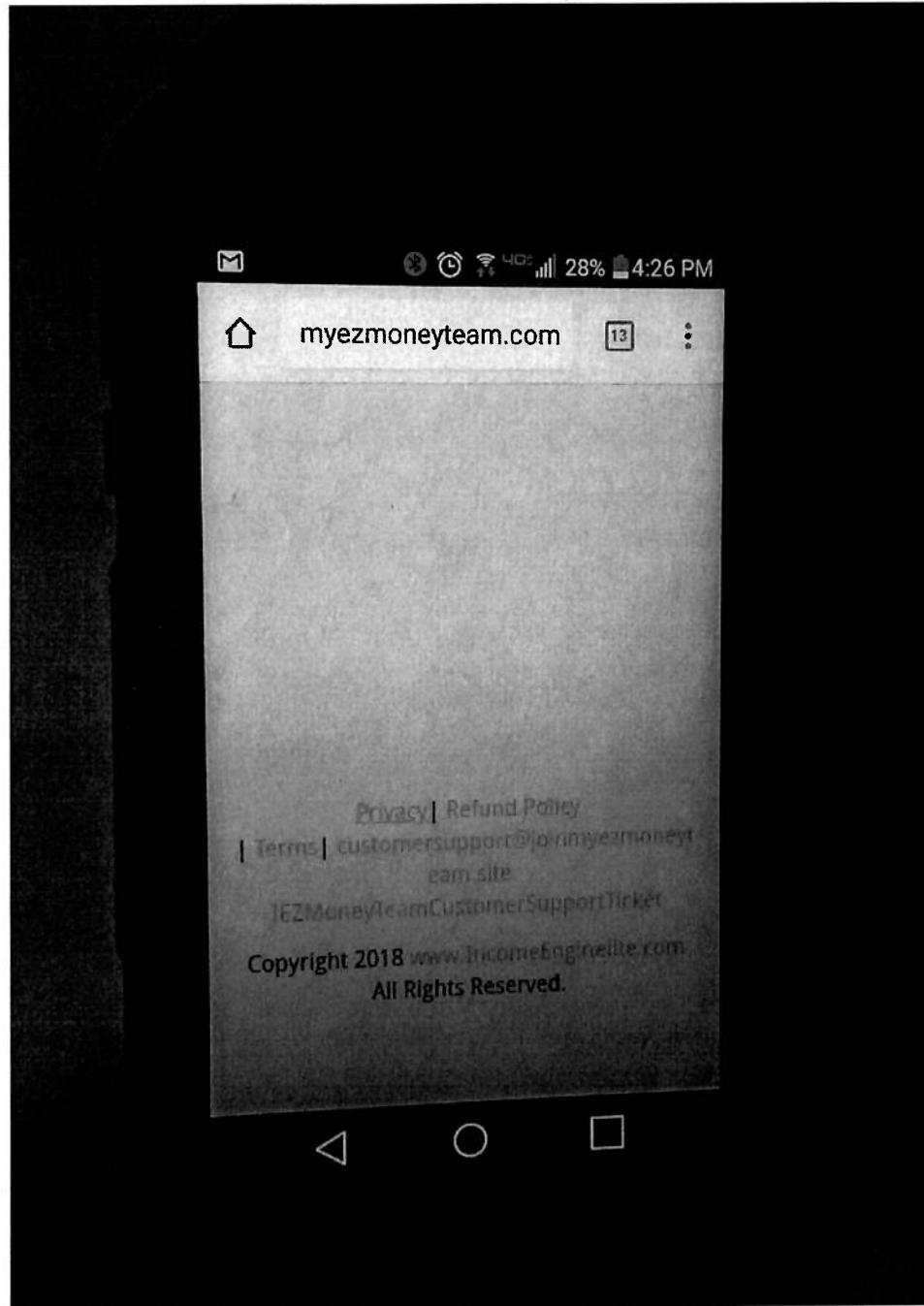


EXHIBIT K

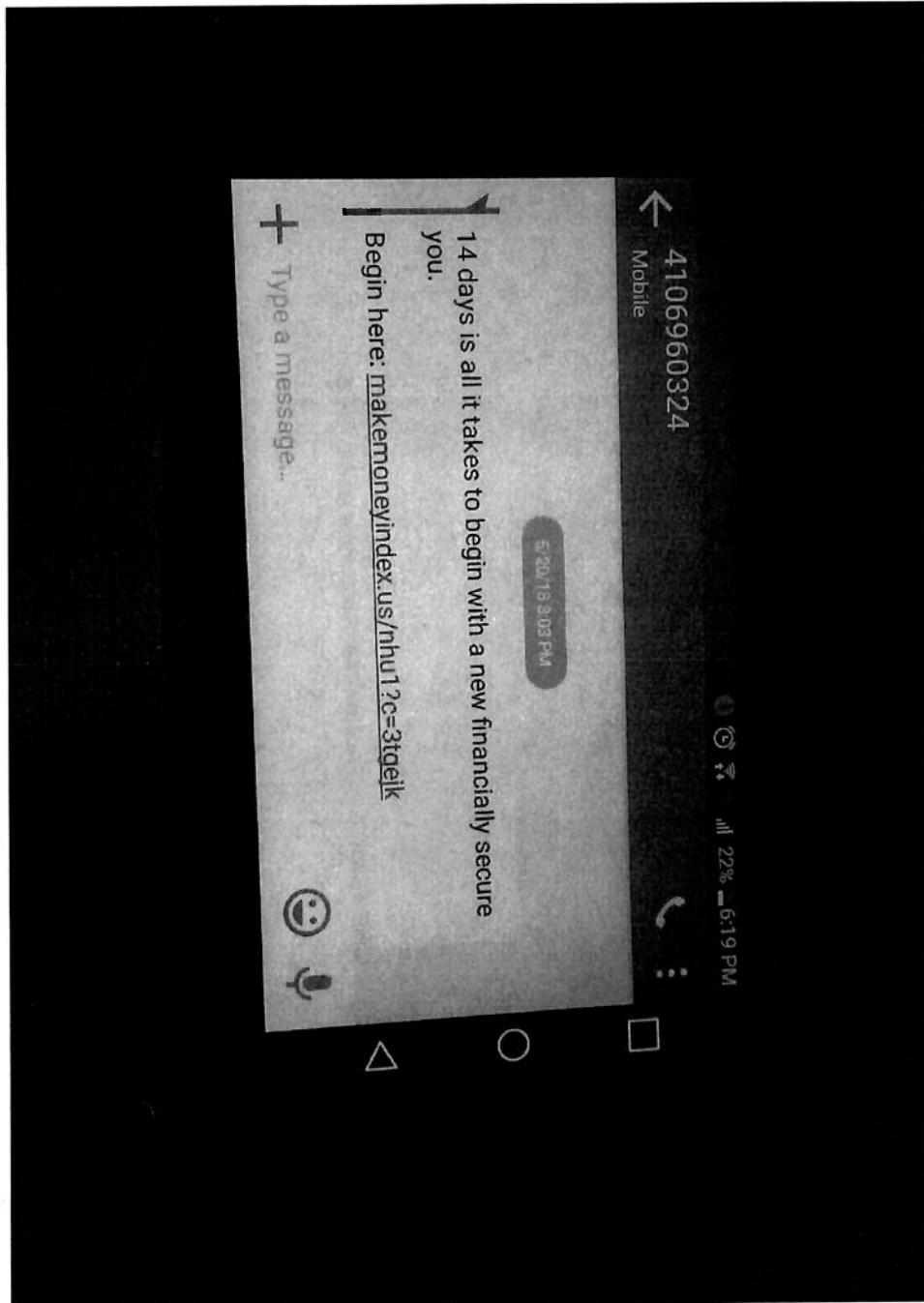


EXHIBIT L

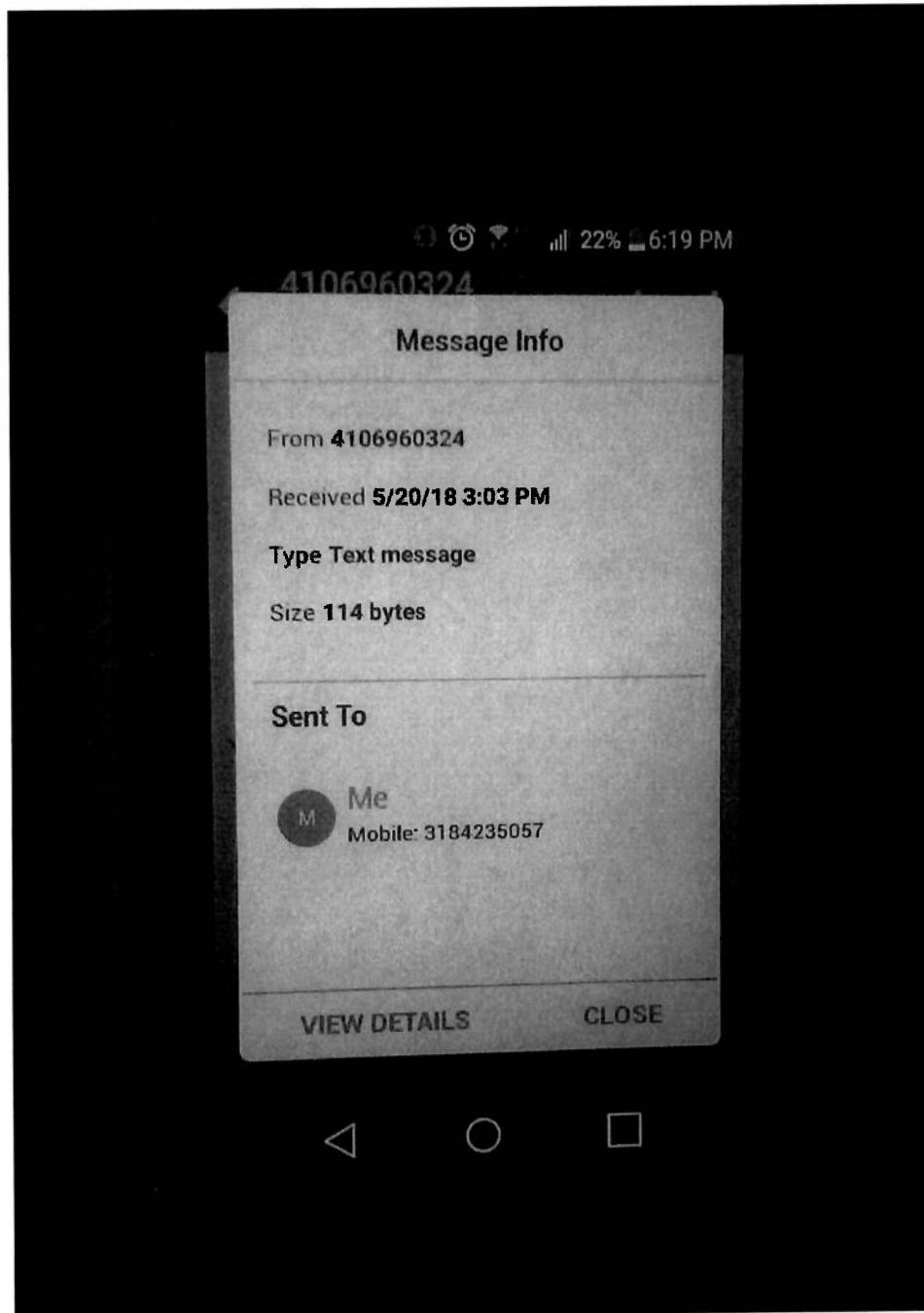


EXHIBIT M

🔒 <https://systemmsw.com/mswb/?a=767&s1=17> 4

Want to make ~~\$500~~ a Day?

Click The Play Button To Start The Video



Anthony from Utah

Recently Started to Make Money from Home!
10 Days Ago

EXHIBIT N

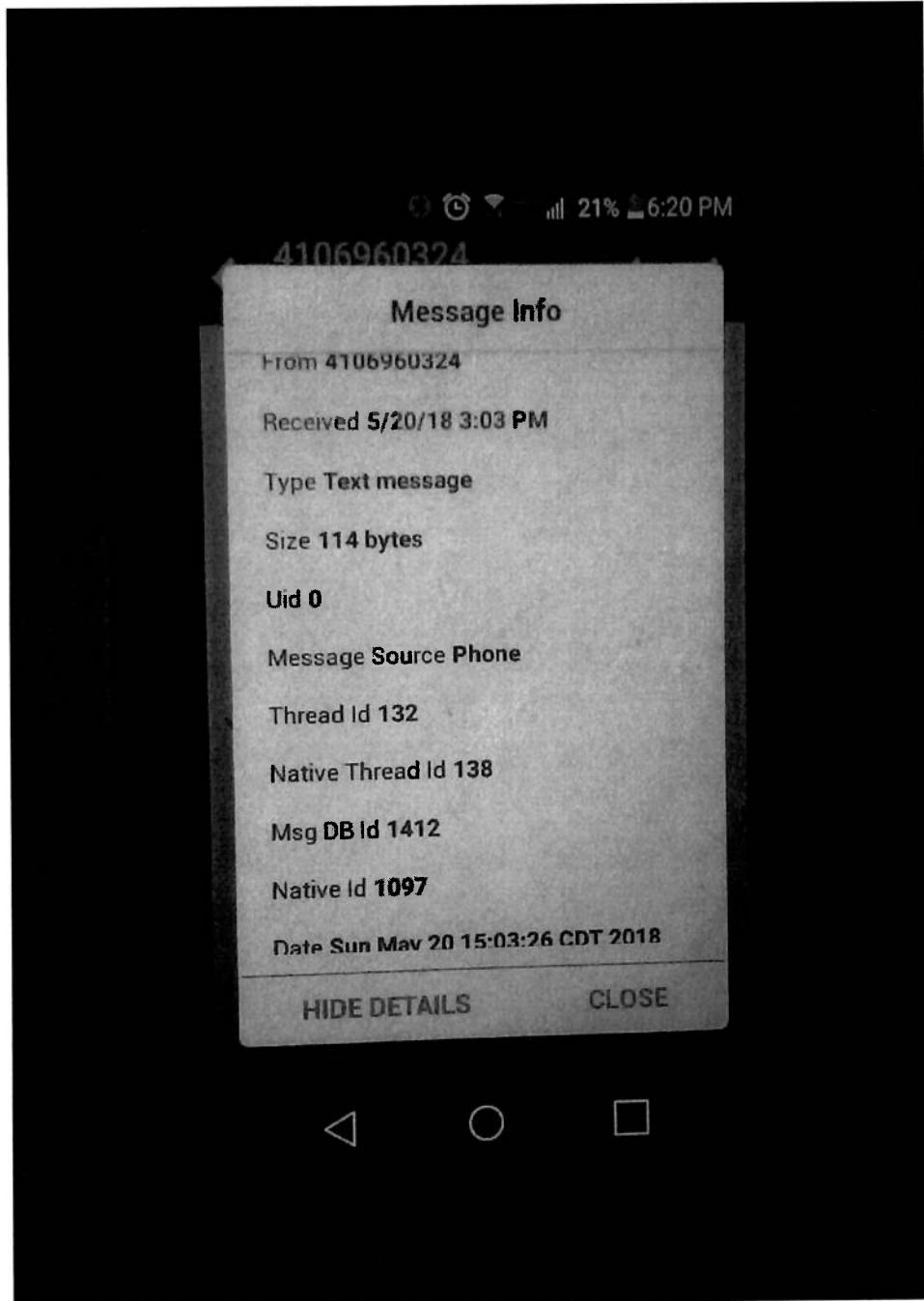


EXHIBIT O


 WHOIS

DOMAINS HOSTING CLOUD NEW WEBSITES EMAIL SECURITY WHOIS SUPPORT LOGIN 0

mswsys.com

Updated 5 days ago

DOMAIN INFORMATION

Domain: mswsys.com
 Registrar: NameCheap Inc.
 Registration Date: 2018-04-29
 Expiration Date: 2019-04-29
 Updated Date: 2018-04-29
 Status: clientTransferProhibited
 Name Servers: ns-1441.awsdns-52.org
 ns-154.awsdns-19.com
 ns-2037.awsdns-62.co.uk
 ns-995.awsdns-60.net

.live
~~\$23.88~~ **\$1.98**
[BUY NOW](#)
*Offer ends 31st July 2018

REGISTRANT CONTACT

Name: WhoisGuard Protected
 Organization: WhoisGuard, Inc.
 Street: P.O. Box 0823-03411
 City: Panama
 State: Panama
 Country: PA
 Phone: +507.8365503
 Fax: +51.17057182
 Email: bb2a01fc45f349038ba1cdb21646664c.protect@whoisguard.com

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**ADMINISTRATIVE CONTACT**

Name: WhoisGuard Protected
 Organization: WhoisGuard, Inc.
 Street: P.O. Box 0823-03411
 City: Panama
 State: Panama
 Country: PA
 Phone: +507.8365503
 Fax: +51.17057182
 Email: bb2a01fc45f349038ba1cdb21646664c.protect@whoisguard.com

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TECHNICAL CONTACT

Name: WhoisGuard Protected
 Organization: WhoisGuard, Inc.
 Street: P.O. Box 0823-03411
 City: Panama
 State: Panama
 Country: PA
 Phone: +507.8365503
 Fax: +51.17057182
 Email: bb2a01fc45f349038ba1cdb21646664c.protect@whoisguard.com

RAW WHOIS DATA

Domain name: mswsys.com
 Registry Domain ID: 2258153569_DOMAIN_COM-VRSN
 Registrar WHOIS Server: whois.namecheap.com
 Registrar URL: <http://www.namecheap.com>

Updated Date: 2018-04-29T10:05:54.00Z
 Creation Date: 2018-04-29T09:56:44.00Z
 Registrar Registration Expiration Date: 2019-04-29T09:56:44.00Z
 Registrar: NAMECHEAP INC
 Registrar IANA ID: 1068
 Registrar Abuse Contact Email: abuse@namecheap.com
 Registrar Abuse Contact Phone: +1.6613102107
 Reseller: NAMECHEAP INC
 Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited
 Domain Status: addPeriod https://icann.org/epp#addPeriod
 Registry Registrant ID:
 Registrant Name: WhoisGuard Protected
 Registrant Organization: WhoisGuard, Inc.
 Registrant Street: P.O. Box 0823-03411
 Registrant City: Panama
 Registrant State/Province: Panama
 Registrant Postal Code:
 Registrant Country: PA
 Registrant Phone: +507.8365503
 Registrant Phone Ext:
 Registrant Fax: +51.17057182
 Registrant Fax Ext:
 Registrant Email: bb2a01fc45f3490938ba1cdb21646664c.protect@whoisguard.com
 Registry Admin ID:
 Admin Name: WhoisGuard Protected
 Admin Organization: WhoisGuard, Inc.
 Admin Street: P.O. Box 0823-03411
 Admin City: Panama
 Admin State/Province: Panama
 Admin Postal Code:
 Admin Country: PA
 Admin Phone: +507.8365503
 Admin Phone Ext:
 Admin Fax: +51.17057182
 Admin Fax Ext:
 Admin Email: bb2a01fc45f3490938ba1cdb21646664c.protect@whoisguard.com
 Registry Tech ID:
 Tech Name: WhoisGuard Protected
 Tech Organization: WhoisGuard, Inc.
 Tech Street: P.O. Box 0823-03411
 Tech City: Panama
 Tech State/Province: Panama
 Tech Postal Code:
 Tech Country: PA
 Tech Phone: +507.8365503
 Tech Phone Ext:
 Tech Fax: +51.17057182
 Tech Fax Ext:
 Tech Email: bb2a01fc45f3490938ba1cdb21646664c.protect@whoisguard.com
 Name Server: ns-154.awsdns-19.com
 Name Server: ns-995.awsdns-60.net
 Name Server: ns-2037.awsdns-62.co.uk
 Name Server: ns-1441.awsdns-52.org
 DNSSEC: unsigned
 URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/
 >>> Last update of WHOIS database: 2018-07-16T03:25:10.99Z <<

For more information on Whois status codes, please visit <https://icann.org/epp>

related domain names

[namecheap.com](#) [icann.org](#) [awsdns-52.org](#) [awsdns-19.com](#) [awsdns-62.co.uk](#) [awsdns-60.net](#)
[whoisguard.com](#) [internic.net](#)

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incomeengineelite.com

Updated 1 second ago

DOMAIN INFORMATION

Domain: incomeengineelite.com
 Registrar: NameCheap Inc.
 Registration Date: 2016-12-28
 Expiration Date: 2018-12-28
 Updated Date: 2018-01-24
 Status: clientTransferProhibited
 Name Servers: gina.ns.cloudflare.com
 stan.ns.cloudflare.com

Sale

.live

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REGISTRANT CONTACT

Name: WhoisGuard Protected
 Organization: WhoisGuard, Inc.
 Street: P.O. Box 0823-03411
 City: Panama
 State: Panama
 Country: PA
 Phone: +507.8365503
 Fax: +51.17057182
 Email: c48388d5432e40fbaa5b94cb35f4c4ec.protect@whoisguard.com

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 Organization: WhoisGuard, Inc.
 Street: P.O. Box 0823-03411
 City: Panama
 State: Panama
 Country: PA
 Phone: +507.8365503
 Fax: +51.17057182
 Email: c48388d5432e40fbaa5b94cb35f4c4ec.protect@whoisguard.com

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Name: WhoisGuard Protected
 Organization: WhoisGuard, Inc.
 Street: P.O. Box 0823-03411
 City: Panama
 State: Panama
 Country: PA
 Phone: +507.8365503
 Fax: +51.17057182
 Email: c48388d5432e40fbaa5b94cb35f4c4ec.protect@whoisguard.com

RAW WHOIS DATA

Domain name: incomeengineelite.com
 Registry Domain ID: 2085467855_DOMAIN_COM-VRSN
 Registrar WHOIS Server: whois.namecheap.com
 Registrar URL: <http://www.namecheap.com>
 Updated Date: 2018-01-24T17:45:12.00Z
 Creation Date: 2016-12-28T14:49:37.00Z



Registrar Registration Expiration Date: 2018-12-28T14:49:37.00Z
 Registrar: NAMECHEAP INC
 Registrar IANA ID: 1068
 Registrar Abuse Contact Email: abuse@namecheap.com
 Registrar Abuse Contact Phone: +1.6613102107
 Reseller: NAMECHEAP INC
 Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited
 Registry Registrant ID:
 Registrant Name: WhoisGuard Protected
 Registrant Organization: WhoisGuard, Inc.
 Registrant Street: P.O. Box 0823-03411
 Registrant City: Panama
 Registrant State/Province: Panama
 Registrant Postal Code: 0
 Registrant Country: PA
 Registrant Phone: +507.8365503
 Registrant Phone Ext:
 Registrant Fax: +51.17057182
 Registrant Fax Ext:
 Registrant Email: c48388d5432e40fbaa5b94cb35f4c4ec.protect@whoisguard.com
 Registry Admin ID:
 Admin Name: WhoisGuard Protected
 Admin Organization: WhoisGuard, Inc.
 Admin Street: P.O. Box 0823-03411
 Admin City: Panama
 Admin State/Province: Panama
 Admin Postal Code: 0
 Admin Country: PA
 Admin Phone: +507.8365503
 Admin Phone Ext:
 Admin Fax Ext:
 Admin Email: c48388d5432e40fbaa5b94cb35f4c4ec.protect@whoisguard.com
 Registry Tech ID:
 Tech Name: WhoisGuard Protected
 Tech Organization: WhoisGuard, Inc.
 Tech Street: P.O. Box 0823-03411
 Tech City: Panama
 Tech State/Province: Panama
 Tech Postal Code: 0
 Tech Country: PA
 Tech Phone: +507.8365503
 Tech Phone Ext:
 Tech Fax: +51.17057182
 Tech Fax Ext:
 Tech Email: c48388d5432e40fbaa5b94cb35f4c4ec.protect@whoisguard.com
 Name Server: gina.ns.cloudflare.com
 Name Server: stan.ns.cloudflare.com
 DNSSEC: unsigned
 URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/
 >>> Last update of WHOIS database: 2018-07-22T19:25:21.01Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

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Infrastructure

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EXHIBIT P



Office of the County Clerk

MONROE COUNTY, NEW YORK

June 28, 2018

*Mr. Clinton Strange
7021 Windburn Dr.
Greenwood, LA 71033*

Dear Mr. Strange

All we could find regarding Ortiz Capital was a DBA filed in 2013. We are sending you a telephone number for the NYS Dept. of date where Corporations as well as LLC are filed.

Monroe County Customer Service



Cheryl Dinolfo
County Clerk

HOW TO FILE A DBA (Doing Business As) CERTIFICATE ALSO KNOWN AS ABN (Assumed Business Name)

1. Visit the Monroe County Clerk's Office at 39 West Main Street, Room 101 of the County Office Building, Monday through Friday from 9:00 a.m. until 5:00 p.m.
2. File your business name with a cashier. **A driver's license or a non-driver's ID is required to notarize your signature.**
3. The fee for filing a DBA is \$25.00 plus \$5.00 for a certified copy. The form fee is an additional \$3.00 for a sole proprietorship or \$4.00 for a partnership. **Cash, Visa, MasterCard, money order or a check made payable to "Monroe County Clerk's Office" will be accepted for the fees.** You will also receive a non-certified copy for your records.
4. **When Starting a Corporation:** These papers are filed through the NYS Department of State. **Religious Corporations** may be filed with the Monroe County Clerk's Office. It is recommended that you work with an attorney if you wish to incorporate. For forms and more information, contact the Department of State, Division of Corporations, State Records and Uniform Commercial Code, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231 (518-474-8642) or by visiting their website at www.dos.state.ny.us.
5. For questions regarding New York State Tax requirements, call the New York State Tax Department at 800-698-2909 or visit them online at www.nystax.gov.
6. To obtain information regarding New York State required permits and licenses, contact the Office of Business Permits and Regulatory Assistance (OBPRA) at 800-342-3464.
7. To obtain information regarding local permits and licenses, contact City Hall or your Town Hall.
8. To obtain information regarding Federal Taxes and Federal Employer Identification Number, visit the IRS office located at 255 East Avenue or call 800-829-1040.

MONROE COUNTY CLERK'S OFFICE

THIS IS NOT A BILL. THIS IS YOUR RECEIPT

Receipt # 830315

Index DBA

Return To:

Book Page

No. Pages : 2

Instrument DOING BUSINESS AS FILED

Date : 01/17/2013

Time : 12:29:50PM

ORTIZ CAPITAL

Control # 201301170483

ORTIZ, OSCAR T III

DBA # D2013000180

Employee : KathyB

COUNTY FEE DBA FILED \$ 25.00

Total \$ 25.00

State of New York

MONROE COUNTY CLERK'S OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERKS ENDORSEMENT, REQUIRED BY SECTION 317-a(5) & SECTION 319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

CHERYL DINOLFO

MONROE COUNTY CLERK



FILED



2013 JAN 17 PM 12:00

MONROE COUNTY CLERK

**CERTIFICATE OF INDIVIDUAL
DOING BUSINESS UNDER ASSUMED NAME**

New
 Amended

It is hereby certified that:

The undersigned is transacting business at 33 Gentry Circle

City of Rochester Zip Code 14626, County of Monroe, State of New York

under the name of Oscar A T Ortiz III

The full name of the undersigned is: Oscar A T Ortiz III

and his/her residence is 33 Gentry Circle

City of Rochester Zip Code 14626, County of Monroe, State of New York.

I further certify that I am successor and interest to _____

This certificate is executed and filed pursuant to Section 130 of the General Business Law.

Dated: 1/17/13

A handwritten signature in black ink, appearing to read "Clerk".

(Signature)

STATE OF NEW YORK

COUNTY OF MONROE

Court of Rochester

)
ss.

On this 17 day of January, in the year two thousand 13 before me, the subscriber,
personally appeared Oscar A T Ortiz III to me personally known to be
the same person described in and who executed the foregoing instrument, and he/she acknowledged that he/she
executed the same.

A handwritten signature in black ink, appearing to read "Kathleen A. Beaman" and "Special Deputy Clerk".

EXHIBIT Q

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through June 22, 2018.

Selected Entity Name: ORTIZ CAPITAL LLC

Selected Entity Status Information

Current Entity Name: ORTIZ CAPITAL LLC

DOS ID #: 5118359

Initial DOS Filing Date: APRIL 11, 2017

County: MONROE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

ORTIZ CAPITAL LLC

151 KIM LANE

ROCHESTER, NEW YORK, 14626

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by viewing the certificate.

*Stock Information

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
APR 11, 2017	Actual	ORTIZ CAPITAL LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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EXHIBIT R



MonroeCounty.gov
CHERYL DINOLFO, COUNTY EXECUTIVE New York

[School Tax Bill](#) | [Combined Town and County Tax Bill](#) | [Current School Transaction Summary](#) | [Combined Town and County Transaction Summary](#)

Normal ▾ [Change](#)

		Ownership Information	
SWIS Code/Account #	Owner Name	Property Address	Mailing Address
262800 059.03-8-65	ORTIZ,OSCAR T. III ORTIZ,SHARON P.	151 KIM LN ROCHESTER, NY 14626	151 KIM LN ROCHESTER, NY 14626

Legal Description	True Tax Town/County	True Tax School
L8 T2 D1 SHORT RANGE THE MEADOWS S5 231-11 L519	\$2,464.53	\$2,981.09

Tax Due Summary - Town / County								
Tax Year	Original Tax	Tax Sale Lien Sold	Penalties and Interest	Fees	Total Due	Delinquent	Bankruptcy	Foreclosure
For details on your Town/County Tax please click the 'Tax History' Button.								

Tax Due Summary - School						
Tax Year	Original Tax	Re-Levy to Town/County Bill	Interest	Service Charge	Total Due	Bankruptcy
For details on your School Tax please click the 'Tax History' Button.						

[Property Detail](#) || [Tax History](#) || [Payment History](#) || [Address Search](#)

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EXHIBIT S

Clinton Strange
7021 Winburn Drive
Greenwood, LA 71033
318-423-5057
CaddoBossierRefrigeration@gmail.com

Greetings ORTIZ CAPITAL, LLC;

Or Defense Counsel:

Please stop calling SMS-mms SPAM TEXTING my cellphone # 318-423-5057 to limit your statutory damages in an action I am contemplating bringing against your entity for willful violations of the TCPA, and the Truth in Caller ID Act of 2009 in the U.S. District Court for the Western District of Louisiana.

I am at this time requesting in writing a copy of your entity's "do-not-call-policy". Failure to provide with me with this

document by Certified-Mail within 30 days at the address above could result in trebled willful violations of the TCPA. I am registered on the Federal Do-Not-Call Listing. I have never consented to be contacted by your entity. I have been called/SMS text spammed in excess of 5 times by your entity.

You can verify this with your in-house marketing department or 3rd party marketing agency to confirm the allegations that I have made in this communication.

The time to begin discussion is now as I plan to move forward on 7-17-2018. You may contact me via mail or e-mail. You may also call me for the purposes of settlement communications only.

Regards,

x Mailed 6-23-18

Clinton Strange

Clinton Strange
7021 Winburn Dr
Greenwood, LA 71033



ORTIZ CAPITAL, LLC
151 Kim Lane
Rochester, NY 14626



CIVIL COVER SHEET

18 CV 6570 FPG

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CLINTON STRANGE

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTSORTIZ CAPITAL, LLC
OSCAR ORTIZ IIICounty of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/>	<input type="checkbox"/> Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/> Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/>	<input type="checkbox"/> Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise				<input checked="" type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> Other:		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
IMMIGRATION	FEDERAL TAX SUITS			
	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)		
	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609		

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 USC 227

VI. CAUSE OF ACTION

Brief description of cause:

RESTRICTIONS ON THE USE OF TELEPHONE EQUIPMENT

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$

7,500.00

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD
08/06/2018 Pro Se X *[Signature]*

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFFP JUDGE MAG. JUDGE